

HB06-1171 Bill Analysis

For the Health District of Northern Larimer County Board of Directors

April 12, 2006

Bill Title: Concerning Alcohol- and Drug-Related Driving Offenses

Summary: Lowers the blood alcohol concentration for the identification of a persistent drunk driver

Sponsors: Representative Riesberg

Committees: House Judiciary

History: 01/19/2006 Introduced In House - Assigned to Judiciary + Finance + Appropriations

01/31/2006 House Committee on Judiciary Witness Testimony Only

02/07/2006 House Committee on Judiciary Refer Amended to Finance

02/09/2006 House Committee on Finance Refer Unamended to Appropriations

04/07/2006 House Committee on Appropriations Pass Amended to House Committee of the Whole

04/10/2006 House Second Reading Laid Over

Date of Analysis: April 4, 2006

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Background

The intent of the bill is to make more drunk drivers subject to the restrictions imposed on those individuals identified as persistent drunk drivers by lowering the blood alcohol concentration (BAC) required to be identified as such a driver. Under the bill, more drivers would be subject to the requirement that an ignition interlock device be installed in their car as a provision of receiving a restricted or probationary license. Ignition interlock devices require the operator of the car to blow a puff of air into the device. The device then measures the BAC of the breath and will not allow the car to start if the BAC is over a certain limit.

Presently there are about 4,500 drivers required to use an ignition interlock device. These drivers are monitored by one of the five companies approved to install and monitor the devices. The devices are monitored for circumvention or tampering attempts and collect data on the number of times a driver attempted to start the car while drunk. Drivers are subject to an extension of the interlock device period if they are discovered to have tampered with the device or attempted to start the car while drunk. There is an installation fee and a monthly service fee for the device. One company with an office in Fort Collins quoted a price of \$134 for installation and a \$64 per month service fee.

Provisions of the bill

- Lowers the blood alcohol content for the identification of a persistent drunk driver from 0.20 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath to 0.17.
- Makes the use of an ignition interlock device a requirement of a probationary license issued to a persistent drunk driver and directs that the time an individual holds a probationary license not be credited against the time that the individual may be required to hold a restricted license.
- Requires first time drunk driving offenders who have a BAC of .17 or higher to hold a restricted license that
- The bill directs monies from the persistent drunk driver cash fund to pay for a portion of the costs for intervention or treatment services for persons who are unable to pay for required intervention or treatment services.
- The bill increases the minimum surcharge for alcohol and drug related traffic offenses to \$50 from \$25 and prohibits a court from reducing or suspending the surcharge unless the court determines the defendant to be indigent.

Current Law

Persistent Drunk Driver Definition - Current law defines a persistent drunk driver as: a person who is convicted of or had his or her license revoked for two or more alcohol-related driving violations; who continues to drive after a driver's license or driving privilege restraint has been imposed for one or more alcohol-related driving offenses; or who drives a car with a blood alcohol level of 0.20 or more grams of alcohol per one hundred milliliters of blood or per two hundred ten liters of breath.

Persistent Drunk Driver Cash Fund – Under current law, the money from the cash fund pays for 1) costs incurred by the Department of Revenue concerning persistent drunk drivers, 2) costs incurred by the Department of Revenue for computer programming changes related to treatment compliance for persistent drunk drivers and, 3) costs for programs that are intended to deter persistent drunk driving or educate the public.

Ignition Interlock Requirements- Under current law, repeat alcohol offenders are required to have an ignition interlock device installed in their car as a requirement of applying for a restricted license after the period of license revocation is over. Individuals required to have the device are those whose last offense occurred after July 1, 2000 and 1) whose license was revoked due to two alcohol-related driving offenses in five years or 2) whose license was revoked due to convictions for three alcohol-related driving offenses in his or her lifetime or 3) whose license was revoked due to receiving a designation as a Habitual Traffic Offender and one of the offenses was alcohol-related.

Why is this issue important?

In 2002, Larimer County had the 8th highest number of alcohol-related crashes out of all Colorado counties according to the federal fatality analysis reporting system (FARS). According to the Health District's report, "The Burden of Disease, Injury and Underlying Causes, Health District of Northern Larimer County, 1994-2003" road traffic accidents ranked 7th among all causes of death per 100,000 people in the Health District. The report found that the attributable disability adjusted life years due to alcohol impaired driving was 210, making alcohol impaired driving the 10th greatest risk factor for all health burdens.

Reasons to support bill:

- Evidence from the literature indicates that ignition interlock devices can be very effective at reducing recidivism while they are installed on driver's cars. A 1999 study of drivers with multiple alcohol related driving offenses randomly assigned the drivers to participate in an ignition interlock program or a control group which received the standard treatment program.¹ The study found that use of the interlock device reduced a driver's risk of recidivism by 64% in the first year.
- By requiring that first time offenders with a BAC of .17 or higher be subject to a restricted license, the Department of Revenue estimates that the bill has the potential to double the number of drivers required to use the interlock device.
- The use of ignition interlock devices on probationary licenses as well as restricted licenses would increase the amount of time drivers spend using the devices. Since we know that the devices are efficacious while they are in use, it is possible to argue that the bill has the potential to reduce the number of alcohol-related crashes because more people would be subject to the ignition interlock requirement for longer periods of time.
- Money from the Persistent Drunk Driver cash fund will be directed to help pay for treatment for individuals who are unable to afford it. The removal of a barrier to treatment is an important piece of the bill since we know that the use of an ignition interlock device by itself will not reduce later recidivism.

¹ Beck, KH, Rauch, WJ, Baker, EA, and Williams, AF, *Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial in Maryland*, American Journal of Public Health, 1999;89:1696-1700

- It is estimated that the increase in the minimum surcharge for alcohol and drug-related traffic offenses will increase revenue in the Persistent Drunk Driver Cash Fund by \$124,540 in FY06-07 and \$312,733 per year thereafter.

Groups that support the bill:

Mothers Against Drunk Driving (MADD)

Department of Human Services, Alcohol and Drug Abuse Division (ADAD)

Colorado State Patrol

Reasons to oppose bill:

- Available evidence to date indicates that interlock devices may only be effective during the period they are installed on drivers' cars. Many studies indicate that once the devices are removed, recidivism rates rise. Interlock devices alone may not be sufficient to prevent recidivism in drivers with multiple violations.
- The bill will increase costs for the Department of Revenue, Division of Motor Vehicles, the Judicial Branch and county jails. The increased cost to county jails could be substantial as a DUI conviction with a BAC of .17 carries a mandatory minimum of 10 days in jail. Therefore, the fiscal note assumes an increase in county jail time of 20,000 days.

About this Analysis

This analysis was prepared by Health District of Northern Larimer County staff to assist the Health District Board of Directors in determining whether to take an official stand on various health-related issues. Analyses are based on bills or issues at the time of their consideration by the Board and are accurate to the best of staff knowledge. It is suggested that people check to see that a bill has not changed during the course of a legislative session by visiting the Colorado General Assembly web page at www.state.co.us/gov_dir/stateleg.html. To see whether the Health District Board of Directors took a position on this or other policy issues, please visit www.healthdistrict.org/policy.

About the Health District

The Health District is a special district of the northern two-thirds of Larimer County, Colorado, supported by local property tax dollars and governed by a publicly elected five-member board. The Health District provides medical, mental health, dental, preventive and health planning services to the communities it serves.

For more information about this analysis or the Health District, please contact Carrie Cortiglio, Policy Coordinator, at (970) 224-5209, or e-mail at ccortiglio@healthdistrict.org